

MAR 08 2019

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE SALE OF A LEASE OF CERTAIN SUBMERGED LANDS AT
KALIHI-KAI, HONOLULU, OAHU, BY PUBLIC AUCTION.

1 WHEREAS, unrecorded Lease No. H-78-5 was issued to Annette
2 L. Nahinu, DBA La Mariana Sailing Club, as lessee, made on
3 July 14, 1978, encompassing 103,390 square feet of state
4 submerged lands identified by Tax Map Key: (1) 1-2-023:052,
5 Kalihi-Kai, Honolulu, Oahu; and
6

7 WHEREAS, the term of Lease No. H-78-5 was for thirty-five
8 years commencing May 1, 1979, and ending April 30, 2014; and
9

10 WHEREAS, under the terms of Lease No. H-78-5:

11
12 (1) The lessee agreed to construct certain improvements
13 which would be used principally for a private sailing
14 club for sailboats;
15

16 (2) The lessee was required to construct suitable piers;
17

18 (3) The lessee was allowed to construct a clubhouse with a
19 snack bar and a bar for members, bathrooms with
20 showers for men and women, and a building to house an
21 office, recreation room, bathroom, kitchenette,
22 workshop, lockers, and a caretaker's quarters; and
23

24 (4) Liveaboard tenants were not allowed; and
25

26 WHEREAS, the lessee's operations were significantly
27 impacted by the tsunami that hit the Hawaiian Islands on
28 March 11, 2011, when the tsunami damaged the docks that formed a
29 substantial and necessary part of the leased premises; and
30

31 WHEREAS, the lessee incurred significant economic hardship
32 from the effects of the March 11, 2011, tsunami due to repair
33 costs and resulting loss of revenue; and



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1
2 WHEREAS, the lessee requested an extension of Lease No.
3 H-78-5 for an additional five years; and
4

5 WHEREAS, pursuant to Act 272, Session Laws of Hawaii 1991,
6 the Department of Land and Natural Resources is the agency
7 responsible for the oversight and administration of boating and
8 coastal area programs; and
9

10 WHEREAS, management of Lease No. H-78-5 was transferred
11 from the Department of Transportation to the Department of Land
12 and Natural Resources by operation of law, effective July 1,
13 1992; and
14

15 WHEREAS, the Board of Land and Natural Resources at its
16 regularly scheduled June 14, 2013, meeting agreed to the
17 extension of Lease No. H-78-5, pursuant to section 171-36(d) and
18 (e), Hawaii Revised Statutes; and
19

20 WHEREAS, the Board of Land and Natural Resources at its
21 regularly scheduled February 22, 2019, meeting agreed to a one-
22 year holdover of Lease No. H-78-5 to La Mariana Sailing Club,
23 Inc., and declared the disposition exempt from the environmental
24 assessment requirements of chapter 343, Hawaii Revised Statutes,
25 for having minimal or no significant impact on the environment;
26 and
27

28 WHEREAS, additionally, the Board of Land and Natural
29 Resources at its regularly scheduled February 22, 2019, meeting
30 authorized the sale of Lease No. H-78-5 at public auction for a
31 private marina, restaurant selling alcoholic and non-alcoholic
32 drinks, gift shop, boat and trailer storage, other marina
33 related services, and parking, and declared the disposition
34 exempt from the Environmental Assessment requirements of chapter
35 343, Hawaii Revised Statutes, for having minimal or no
36 significant impact on the environment; and
37

38 WHEREAS, section 171-53(c), Hawaii Revised Statutes,
39 requires prior approval of the Governor and prior authorization
40 of the Legislature by concurrent resolution for the leasing of
41 state submerged lands; now, therefore,
42

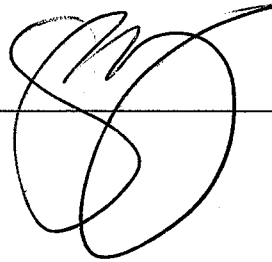


S.C.R. NO. 110

1 BE IT RESOLVED by the Senate of the Thirtieth Legislature
2 of the State of Hawaii, Regular Session of 2019, the House of
3 Representatives concurring, that the Board of Land and Natural
4 Resources is authorized to hold a public auction for sale of a
5 lease of the submerged lands at Tax Map Key: (1) 1-2-023:052,
6 Kalihi-Kai, Honolulu, Oahu pursuant to section 171-53(c), Hawaii
7 Revised Statutes; and

8
9 BE IT FURTHER RESOLVED that certified copies of this
10 Concurrent Resolution be transmitted to the Governor and
11 Chairperson of the Board of Land and Natural Resources.
12
13
14

OFFERED BY: _____

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the signature line.